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| 10/007,315  | 11/07/2001  | Justin T. Nguyen     | 22950-08577                  | 3848                   |
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| FENWICK & WEST LLP<br>SILICON VALLEY CENTER<br>801 CALIFORNIA STREET<br>MOUNTAIN VIEW, CA 94041 |             |                      | EXAMINER<br>NGUYEN, MAIKHANH |                        |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/007,315

Applicant(s)

NGUYEN ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/309)  
Paper No(s)/Mail Date 12/05/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the amendment filed 02/14/2008.

Claims 1-64 are currently pending. Claims 1, 33, and 49 are independent claims.

### **Specification**

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recited "medium" in Claim 49 (see Line 2).

### **Claim Rejections - 35 USC § 101**

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 33-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 33 recites a system, which is interpreted as a computer program. It fails to assert the program stored on an appropriate computer-readable storage medium so as to be structurally and functionally interrelated to the medium and permit the function of the descriptive material to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer without a computer-readable storage medium needed to realize the computer program's functionality. Therefore, the recited "system" is directed to non-statutory subject matter.

Dependent claims 34-48 are rejected for fully incorporating the deficiencies of their base claim.

### **Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)*

Claims 1-10, 12, 13, 19-21, 23, 24, 26, 27, 29, 31, 33-40, 42, 43, 49 -56, 58, and 59 are rejected under 35 U.S.C. 102(e) as being anticipated by **Krantz** (U.S. 2002/0178041, filed 10/1998).

**As to claim 1:**

Krantz teaches a method for providing enterprise event marketing and management automation [see the Abstract; ¶¶ 0025-0026; and Figs. 1-10] comprising the steps of:

- providing a website (*a party planning web site with related services*) including online tools for event marketing and management (*allows a party planner to visit the web site and create a party...The party planner can then visit the web site to see who is coming to the party, who is not, who has not yet responded, and related information... the party planner can make purchases of the items to buy, arrange for the rental of items, or otherwise benefit from the other content associated with the party...the party planner is more likely to make purchases or rentals from the web site or a third party web site associated with the web site*) [see ¶¶ 0025-0026];
- allowing a user (*allows a party planner*) in communication with the website (*visit the website/log into the website*) to create (*create*) a plurality of event pages (*invitations*) describing an event (*party*) [see ¶¶ 0025 and 0037-

0042] and a registration page associated with the event utilizing the online tools (*The "party invite" web page 158 permits the guests to RSVP by indicating that they will attend by selecting the option button 162 and indicating the number that will be attending from the drop down list box 164. Similarly, the invited guests can select the option button 166 to indicate that the guests will not be able to attend. The guests may also enter a note in the text area 168 to provide a personalized note to the party planner. Once the guest has completed this information, the guest may select the "send RSVP" button 170 to send this RSVP information to the web site*) [see ¶ 0051 and Fig.9), each of the plurality of event pages being targeted to one of a plurality of particular groups (*guest lists- the party planner can have a list including his/her family members and a list including his/her friends*), each of the plurality of participant groups comprising one or more participants (*guests*), the event pages including a link (*a link*) to the registration page [see ¶¶ 0025 and 0050-0051];

- forwarding a first event page of the plurality of event pages to a first participant of a first particular group to a participant to enable the first participant to establish a first communication with the registration page utilizing the link; forwarding the registration page to the first participant to be completed and returned in response to the first communication (*electronically sends invitations ... sends an e-mail to the invitee with a link to the invitation located on the party planning web site. The guest*

*can then follow the link to the party planning web site and is then prompted for RSVP information) [see ¶¶ 0025 and 0051];*

- forward a second event page of the plurality of event pages to a second participant of a second particular group to enable the second participant to establish a second communication with the registration page utilizing the link (*electronically sends invitations ... sends an e-mail to the invitee with a link to the invitation located on the party planning web site. The guest can then follow the link to the party planning web site and is then prompted for RSVP information) [see ¶¶ 0025 and 0051], the first event page being different from the second event page (specify a note to guest in the input box 82 [see ¶0043]: by writing notes to guests, different invitations can be created), the first particular group being different from the second particular group (The party is created by entering the names and/or e-mail addresses of guests who are invited to the party [see ¶¶ 0025]: by entering names of guest, different participant groups can be specified);*
- forwarding the registration page to the second participant to be completed and returned in response to the first communication (*electronically sends invitations ... sends an e-mail to the invitee with a link to the invitation located on the party planning web site. The guest*

*can then follow the link to the party planning web site and is then prompted for RSVP information) [see ¶¶ 0025 and 0051]; and*

- receiving the registration page and in response thereto communicating a confirmations the first and the second participants and communicating to the user the information received from the first and second participants (*The party planner can then visit the web site to see who is coming to the party, who is not, who has not yet responded, and related information/ The use of the guest list also encourages the party planner to return to the party planning web site to receive an update as to the guest list and the RSVP's sent by guests... the party planner has incentive to return to the web site to add to the guest list, check the guest list, and otherwise manage the guest list*) [see ¶¶ 0025, 0051, and 0053; see also, Figs. 10].

**As to claim 2:**

Krantz teaches associating a fee with the event (*the party planner can make purchases of the items to buy*) [see ¶ 0026].

**As to claim 3:**

Krantz teaches the fee for the event is requested from the first and second participants in response to receiving the registration page [see ¶ 0046].



**As to claim 4:**

Krantz teaches querying the first and second participants for information associated with participant attendance to the event [see ¶¶ 0041 and 0050].

**As to claim 5:**

Krantz teaches previously created event pages are utilized for creating at least one of new events and new registration pages [see ¶¶ 0046 and 0050].

**As to claim 6:**

Krantz teaches storing a contact file of the user [see ¶ 0041].

**As to claim 7:**

Krantz teaches the first and second participants are selected from the contact file [see ¶¶ 0041 and 0050].

**As to claim 8:**

Krantz teaches the stored file is imported from another source [see ¶¶ 0041 and 0050].

**As to claim 9:**

Krantz teaches exporting the contact file [see ¶¶ 0041 and 0050].

**As to claim 10:**

Krantz teaches generating participant parameters, wherein the first and second participants are forwarded the event page according to the participant parameters [see ¶¶ 0025 and 0050].

**As to claim 12:**

Krantz teaches a registration template is utilized to create the registration page [see ¶¶ 0025 and 0051].

**As to claim 13:**

Krantz teaches grouping a plurality of events under a single event [see ¶¶ 0047-0049].

**As to claim 19:**

Krantz teaches generating a report about the event for at least one of the user and the first and second participants [see ¶¶ 0025 and 0051; see also, Figs. 10].

**As to claim 20:**

Krantz teaches the report includes information pertaining to, among other things, participant information [see ¶¶ 0025 and 0051; see also, Figs. 10].

**As to claim 21:**

Krantz teaches the report is generated according to at least one of a schedule (see Fig.9).

**As to claim 23:**

Krantz teaches providing the user with data for tracking expenses [see ¶ 0046].

**As to claim 24:**

Krantz teaches grouping one or more events into event categories [see ¶¶ 0025 and 0051; see also, Figs. 10].

**As to claim 26:**

Krantz teaches organizing participants into the plurality of participant groups [see ¶¶ 0025 and 0043].

**As to claim 27:**

Krantz teaches assigning a first type to the first participant and a second type to the second participant [see ¶¶ 0025 and 0043].

**As to claim 29:**

Krantz teaches assigning a first login to the first participant and a second login to the second participant [see ¶ 0051].

**As to claim 31:**

Krantz teaches receiving information related to a guest of the first or second participant on the registration page [see ¶¶ 0025 and 0051; see also, Figs. 10].

**As to claims 33-40, 42, and 43:**

Refer to the rejection of claims 1-7, 10, 12, and 19 above, respectively.

Claims 33-40, 42 and 43 are the same as claims 1-7, 10, 12, and 19, except claims 33-40, 42 and 43 are system claims and claims 1-7, 10, 12, and 19 are method claims.

**As to claims 49-56, 58, and 59:**

Refer to the rejection of claims 1-7, 10, 12, and 19, respectively. Claims 49-56, 58, and 59 are the same as claims 1-7, 10, 12, and 19, except claims 49-56, 58, and 59 are computer program claims and claims 1-7, 10, 12, and 19 are method claims.

### Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

*This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

- a. Claims 14-18, 25, 28, 32, 44-48, and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Krantz** in view of **Shaer** (US 20020128934, filed 12/2001, priority 12/2000).

#### **As to claim 14:**

The combination of Krantz with Shaer teaches the event has a maximum participant capacity associated therewith [see Shaer: ¶ 0202 → maximum number of guests].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Krantz with Shaer because it

would have allowed the party planner to provide maximize convenience to the guests.

**As to claim 15:**

The combination of Krantz with Shaer teaches presenting the first and second participants with the option of being waitlisted where maximum capacity has been reached [see Shaer: ¶ 0291].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Krantz with Shaer because it would have allowed the party planner to provide maximize convenience to the guests.

**As to claim 16:**

The combination of Krantz with Shaer teaches user receives a notification when a predetermined percentage of maximum participant capacity is reached [see Shaer: ¶ 0384].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Krantz with Shaer because it would have allowed the party planner to provide maximize convenience to the guests.

**As to claim 17:**

The combination of Krantz with Shaer teaches the user is allowed to modify the maximum participant capacity in response to the notification [see Shaer: ¶ 0384].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Krantz with Shaer because it would have allowed the party planner to provide maximize convenience to the guests.

**As to claim 18:**

The combination of Krantz with Shaer teaches the confirmation includes a ticket for admission to the event [see Shaer: ¶ 0046 → admission fees].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Krantz with Shaer because it would have allowed the party planner to provide maximize convenience to the guests.

**As to claim 25:**

The combination of Krantz with Shaer teaches providing to the first and second participants travel information [see Shaer: ¶ ¶ 0302 and 0367 → travel arrangements].

**As to claim 28:**

The combination of Krantz with Shaer teaches providing specified travel [see Shaer: ¶¶ 0302 and 0367 → travel arrangements].

**As to claim 32:**

The combination of Krantz with Shaer teaches travel can be arranged utilizing an online booking system [see Shaer: ¶¶ 0031- 0302 → the cybermediary's website ... travel arrangements].

**As to claims 44-48:**

Refer to the rejection of claims 14-18 above, respectively, for rejections.

**As to claims 60-64:**

Refer to the rejection of claims 14-18, respectively, for rejections.

- b. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Krantz** in view of **Plantec** (US 6826540, filed 12/1999).

**As to claim 30:**

The combination of Krantz with Plantec teaches forwarding a survey to the first and second participants [see Plantec: the Abstract → automate the distribution of survey questions].



It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Krantz with Yokell because it would have provided the capability for gathering information from consumers which will hold the consumers' interest and avoid distraction, which will minimize the time and expense of gathering the information and making it useful and which will maximize convenience to consumers.

- c. Claims 11, 22, 41, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Krantz** in view of **Yokell et al.** (US 6,507,870).

**As to claims 11, 41, and 57:**

The combination of Krantz with Yokell teaches associating a promotion code with the event in accordance with instructions from the user (see Yokell: Customer completes order form including optional promotion code) [see the discussion beginning at col.6, line 30].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Krantz with Yokell because it would have provided an efficient mechanism for exposing the merchant's Web site to the public, by encouraging others (associates) to set up outgoing links to the merchant's site and allowed the task of marketing the merchant's products to

be efficiently distributed among entities that have established reputations and exposure within their respective fields.

**As to claim 22:**

The combination of Krantz with Yokell teaches at least one of an ad hoc report (ad hoc reports) and a canned report (canned reports) [see Yokell: col. 20, line 45].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Krantz with Yokell because it would have provided an efficient mechanism for exposing the merchant's Web site to the public, by encouraging others (associates) to set up outgoing links to the merchant's site and allowed the task of marketing the merchant's products to be efficiently distributed among entities that have established reputations and exposure within their respective fields.

### **Response to Arguments**

6. Applicants' arguments filed 02/14/2008 have been fully considered but are moot in view of the new ground(s) rejection.

### **Conclusion**

7. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

### **Contact information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is

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available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. N./

Examiner, Art Unit 2176

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